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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,901	04/12/2001	David Malone	P66582US0	1688

7590   10/27/2005

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EXAMINER
HOLMES, MICHAEL B

ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/832,901	MALONE ET AL.
	Examiner	Art Unit	
	Michael B. Holmes	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *(3)* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 August 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

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Examiner's Detailed Office Action

Response to Amendment

1.   This Office Action is responsive to communication received on August 11, 2005.

Amendment under 37 CFR § 1.111. Reconsideration and allowance of the present application

is respectfully requested by applicant.

2.   Applicant has elected to remain silent regarding any amendments to the claims.

3.   Moreover, applicant's arguments filed August 11, 2005 have been fully considered,

however, they are not persuasive.

4.   Claims 1-17 stand rejected under Title 35 USC § 102(b), the complete text has been

included below.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by

Shane (USPN 5,793,972).

Regarding claim 1. *Shane* describes a messaging system comprising a messaging engine for

operating under user instructions to generate and transmit messages addressed to recipient

contacts [*see* C 2, L 22 to C 3, L 33 & FIG. 1, C 3, L 56 to C 4, L 65]; characterized in that

the system comprises a server comprising:

a client interface (4) comprising means for allowing access by a plurality of users of registered

clients [*see* FIG. 1, item 18, C 3, L 56 to C 4, L 65];

a client manager (2) comprising means for maintaining a database of registered clients [*see* FIG.

1, item 12, C 3, L 56 to C 4, L 65];

a content manager (25) comprising means for receiving content items uploaded from users and

for storing said content in a content database (26, 27, 29) [*see* FIG 1, item 42, C 3, L 56 to C 4,

L 65];

means in the content manager (25) for selecting content items for a message [*see* FIG. 1, items

12 & 14, C 3, L 56 to C 4, L 65];

means in the messaging engine (21) for generating and sending a message with links to selected

content items in the content database [*see* FIG. 1, items 12 & 14, C 3, L 56 to C 4, L 65,

Examiner interprets the links as the URL's];

a response management function (22) comprising means for monitoring a response from a reci-

pient contact using said links [*see* FIG. 1, items 16, 18, 34, & 29; C 3, L 56 to C 4, L 65];

a build function (20) comprising means for building content for the responding recipient contact

according to the links used by said contact to respond [*see* FIG. 1, items 40, 12 & 14; C 3, L 56

to C 4, L 65]; and

means in the response management function (23) for sending the built content to the responding

recipient contact [*see* FIG. 1, items 18, 14, & 28, C 3, L 56 to C 4, L 65].

Regarding claim 2. *Shane* describes a messaging system as claimed in claim 1, wherein the

content manger (25) comprises means for storing profile attributes for content items, and for

selecting content items according to said attributes [*see* FIG. 1, item 12 & 22 C 3, L 64 to

C 4, L 19].

Regarding claim 3. *Shane* describes a messaging system as claimed in claim 2, wherein the

profile attributes are included in meta data [*see* FIG. 1, item 12 & 22, C 3 L 64 to C 4, L 5,

Examiner interprets meta data as data about data e.g., demographic and tracking information

for each recipient].

Regarding claim 4. *Shane* describes a messaging system as claimed in claim 2, wherein the

server further comprises a contacts manager (10) comprising means for managing a contacts

database (11) of contacts uploaded by users, in which contacts are associated with the users and

with profile attributes [*see* FIG. 1, item 16 C 4, L 20-32].

Regarding claim 5. *Shane* describes a messaging system as claimed in claim 2, wherein the

content manager (25) comprises means for selecting content items by matching profile attributes

of a contact with profile attributes of the content items [*see* FIG. 1, item 16 & 12, C 4, L 20-22].

Regarding claim 6. *Shane* describes a messaging system as claimed in claim 1, wherein the

content items comprise content collateral parts and message text uploaded by users [*see* FIG 1,

item 18, 18, 32, 20, & 29, C 4, L 20-32 & C 5, L 8-21].

Regarding claim 7. *Shane* describes a messaging system as claimed in claim 6, wherein the

content manager (25) comprises means for managing a database of templates, in which each

template is a group of identifiers of collateral parts and message text for re-use by a user [*see*

FIG. 3, C 5, L 8-20, *Examiner interprets Web page 60 as a template i.e., predesigned document*

that contains formatting, and, in many cases generic text].

Regarding claim 8. *Shane* describes a messaging system as claimed in claim 6, wherein the

content manager (25) comprises means for managing a database of wrappers, in which each

wrapper comprises links to selected content items [*see* FIG. 1, item 12, C 2, L 28-39 & C 3,

L 64 to C 4, L 5, *Examiner interprets the Recipient Database (12) as the database of wrappers*

and the (URL) as the wrapper, which comprises the links].

Regarding claim 9. *Shane* describes a messaging system as claimed in claim 6, wherein the

content manager (25) comprises means for grouping content items at the levels of a user

organization (27), a user group written on organization (29), and individual users (26) [*see*

FIG. 1, item 14, C 4, L 6-19 *Examiner interprets this as the lettershop coupled to the recipient*

database is responsible for retrieving recipient data and sending it to the home or office of each

recipient. A recipient is simply one that receives, and Examiner contends that it is certainly con-

ceivable that a recipient can be an organization, a group within an organization, and certainly

an individual].

Regarding claim 10. *Shane* describes a messaging system as claimed in claim 1, wherein the

messaging engine comprises means for generating each link in a manner whereby it is unique to

the message, and the response management function (22) comprises means for monitoring said

links to identify the responding recipient contacts [*see* C 2, L 27-39, C 4, 20-65, *Examiner*

interprets the response management function being performed by Web Server (16)].

Regarding claim 11. *Shane* describes a messaging system as claimed in claim 1, wherein the

server comprises a response reporting function comprising means for generating management

reports using data captured by the response management function [*see* FIG. 1, item 16 & 40,

C 4, L 33-49, *Examiner interprets the web page creator (40) for generating the web page, which*

reports individual responses and web server (16) by way of the internet (18) as the communica-

tion pathway for capturing responses].

Regarding claim 12. *Shane* describes a messaging system as claimed in claim 1, wherein the

messaging engine (21) comprises means for allowing a user to directly enter content to a

message without previously uploading it to the content manager [*see* C 4, L 22-40 16, 18, 20,

& 29 *Examiner interprets this as direct interface between Web server (16) and the recipient at*

location (29)].

Regarding claim 13. *Shane* describes a messaging system as claimed in claim 1, wherein the

messaging engine comprises means for:

receiving a message generated by a user locally using an external messaging application [*see*

FIG. 4, C 5, L 63 to C 6, L 11 *Examiner interprets the local user as the Advertiser and the*

Direct mailing as the external messaging application or the Internet can also be considered

an external messaging application since it has global reach];

parsing said message and generating a message having a wrapper with links to content of the

content database according to the parsing [*see* C 5, L 51-62 *Examiner interprets processing the*

URL as parsing and subsequently triggering a message].

Regarding claim 14. *Shane* describes a messaging system as claimed in claim 13, wherein the

messaging engine (21) comprises means for parsing a header for content in the received

message, and for using said header to identify relevant content in the content database[*see* C 5,

L 51-62 *Examiner interprets removing the forward slash (header) and retrieving data from the*

recipient database].

Regarding claim 15. *Shane* describes a method of, under user instructions, generating a message

and sending it to a recipient contact, the method being carried out by a server [*see* C 2, L 22 to

C 3, L 33 & FIG. 1, items 29, 20, 34, 18, & 16; C 3, L 56 to C 4, L 65] and comprising the steps

of: a user uploading content collateral and message text to the server, and the server storing said

collateral and text with profile attributes [*see* FIG. 1, items 29, 20, 34, 18, 16, & 12; C 3, L 56

to C 4, L 65]; the user uploading contact data, and the server storing the contact data with profile

attributes [*see* FIG. 1, items 29, 20, 34, 18, 16, & 12; C 3, L 56 to C 4, L 65];

generating a message by matching profile attributes of the contact with those of the content to

select content, and including in the message uploaded message text and links to said selected

content [*see* FIG. 1, items 12, 14, 26, & 29; C 3, L 56 to C 4, L 65];

transmitting the message to the contact [*see* FIG. 1, items 12, 14, 18, & 16; C 3, L 56 to

C 4, L 65];

subsequently receiving a response from the contact using a link, capturing data including

identifiers of the contact and of the content [*see* FIG. 1, items 29, 20, 34, 18, & 16; C 3, L 56

to C 4, L 65]; and

generating a response report based on said captured data [*see* (g), C 3, L 31-33 & C 7, L 50-58

Examiner interprets the report as the web page].

Regarding claim 16. *Shane* describes a method as claimed in claim 15, wherein the link is unique

to the combination of contact and content, and the link is used to capture said data, and the step

of receiving the response comprises the further step of determining an actual address for the

content based on the link address [*see* C 2, L 28-50].

Regarding claim 17. *Shane* describes a computer program product comprising software code for

performing a method as claimed in claim 15 when executing on a digital computer [*see* FIG 1,

item 32, C 6, L 29-35, & C 5, L 8-62].

Response to Arguments

7.   It is the examiner's position that Shane (USPN 5,793,972), satisfies the *prima facie* bar

for anticipation under Section 102.

Applicant argues that: (1) Shane does not disclose means for allowing access by a plurality of

users of registered clients, maintaining a database of registered clients, receiving content items

uploaded from users and storing the content in a content database, as recited in Claim 1. It is

examiner's position Shane teaches Internet access which allows global reach for potential users.

(2) Shane fails to disclose contacts being associated with users and with profile attributes, as

recited in Claim 4. As aforementioned, Shane teaches Internet access which allows global reach

for potential users. (3) Shane does not disclose collateral parts and message text that is uploaded

by users. It is examiner's position Shane allows interactive access to the Internet. (4) There is no

mention of users, let alone contacts being associated with users and with profile attributes. It is

examiner's position a recipient or consumer is a user. (5) Shane does not disclose a messaging

engine comprising means for receiving and parsing a message generated by a user locally using

an external messaging application, and generating a message having a wrapper with links to con-

tent of the content database according to the parsing, as recited in Claim 13. [*see* C 2, L 23-50]

Examiners Summary

8.   Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Correspondence Information

10.   Any inquires concerning this communication or earlier communications from the

examiner should be directed to Michael B. Holmes, who may be reached Monday through

Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at (571) 272-3686 or facsimile

transmission (571) 273-3686 or email Michael.holmesb@uspto.gov.

If you need to send an Official facsimile transmission, please send it to (703) 746-7239.

If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, Anthony

Knight, may be reached at (571) 272-3687.

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service

Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor

of the south side of the Randolph Building.

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Wednesday, June 01, 2005

MBH

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